

Message Text

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ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 L-03 CAB-09 CIAE-00 COME-00

DODE-00 DOTE-00 INR-10 NSAE-00 RSC-01 FAA-00 DRC-01

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P 051805Z JUN 74

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 3001

LIMITED OFFICIAL USE SECTION 01 OF 02 BONN 08935

E. O. 11652: N/A

TAGS: ETRN, GW

SUBJECT: CIVAIR - FRG CHARTER REGULATIONS

REF: STATE 115810

1. ON JUNE 5, EMBASSY CAA DISCUSSED WITH NIESTER, AVIATION DEPARTMENT, FEDERAL MINISTRY OF TRANSPORT (FMT), QUESTIONS RAISED IN REFTEL AND ASKED FOR CLARIFICATION OF PARAGRAPH TWO OF THE FMT'S LETTER OF APRIL 6.
2. NIESTER SAID THAT THE FMT, IN ITS LETTER OF APRIL 6, SOUGHT TO COVER TWO ASPECTS OF THE AFFINITY CHARTER MARKET FOR THE 1974 SEASON; FIRST, TO PROVIDE GUIDANCE FOR THE CARRIERS IN PREPARING THE 30-DAY PASSENGER LIST FILINGS AND SECOND, THE LETTER REFLECTED THE FMT'S DESIRE TO GET AS MUCH INFORMATION AS POSSIBLE DURING THE EXPERIMENTAL PERIOD ABOUT THE TRAVELING PUBLIC'S RESPONSE TO THE VARIOUS TYPES OF ADVANCE BOOKING CHARTERS OFFERED.
3. CAA REFERRED TO THE USG POSITION AS SET FORTH DURING THE JANUARY 28/29 CHARTER TALKS, WHICH STRESSED THE USG EYUSVJR THE ECONOMIC SITUATION OF THE

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CARRIERS. THE US WISHED TO OBTAIN THE GREATEST POSSIBLE

FLEXIBILITY IN OPERATING THE VARIOUS TYPES OF CHARTER FLIGHTS. NIESTER CONFIRMED THE US UNDERSTANDING THAT CARRIERS CAN SUBSTITUTE UP TO FLIGHT TIME AND UP TO A LIMIT OF 15 PERCENT OVER CONTRACTED CAPACITY, WITH SUBSTITUTIONS OVER THIS LIMIT SUBJECT TO EXCEPTIONAL AUTHORIZATION. IN PRACTICE, HE NOTED, THIS MEANS THAT THE CARRIER ORIGINALLY SHOULD PREFERABLY FILE A PASSENGER LIST WITHIN THIS FRAMEWORK; HE REFERRED TO BOOKINGS WHICH MAY EXCEED CAPACITY BY 15 PERCENT AS A "BUILT-IN" WAITING LIST. IF, ON THE OTHER HAND, A CARRIER FILES A PASSENGER LIST CORRESPONDING ONLY TO 80 OR 90 PERCENT OF CONTRACTED CAPACITY, THEN ALL SUBSEQUENT SUBSTITUTIONS WOULD BE ON AN EXCEPTIONAL BASIS. NIESTER ASSURED THE CIVIL AIR ATTACHE THAT "EXCEPTIONAL AUTHORIZATIONS WOULD BE GRANTED LIBERALLY, IN LINE WITH THE STATEMENTS MADE BY DR. REHM IN THE JANUARY TALKS' BASED ON THE FEW EXAMPLES ENCOUNTERED BY THE FMT SO FAR, HOWEVER, HE ADDED THAT IT WOULD NOT SUFFICE FOR A CARRIER TO SIMPLY SUBMIT A LIST OF ADDITIONAL NAMES WITHOUT SUBSTANTIATING COMMENT, OR COMMENTS WHICH ONLY EXPRESS THE WISH OF THE CARRIER TO FILL UP THE AIRCRAFT. WHAT THE FMT HAS IN MIND, FOR EXAMPLE, IS A STATEMENT THAT A CERTAIN PERCENTAGE OF PRE-LISTED PASSENGERS HAD TO CANCEL, AND THAT THE UTILIZATION BECAME SUCH THAT THE FLIGHT WOULD HAVE TO BE CANCELLED. THIS IN TURN WOULD BE A HARDSHIP FOR THE CONFIRMED PASSENGERS, MAKING UP THE GREATER PERCENT OF THE CONTRACTED CAPACITY (TRAVELING PUBLIC INTEREST). NUMEROUS OTHER KINDS OF EXCEPTIONAL CIRCUMSTANCES WOULD BE ACCEPTABLE.

4. IN CONCLUSION, NIESTER RE-EMPHASIZED THAT THE PROCEDURAL POINTS CONTAINED IN THE APRIL 6 LETTER WERE

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FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 3002

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PRIMARILY AIMED AT "EDUCATING" CARRIERS TO COOPERATE WITH THE FMT IN GATHERING EXPERIENCE DATA DURING THE 1974 SEASON. HE BELIEVES THAT THE BULK OF THE FILINGS FOR AFFINITY CHARTERS HAS BEEN RECEIVED AND IF CARRIERS PROVE TO BE REASONABLY RESPONSIVE, ONLY LIMITED CHECKS OF APPLICATIONS WILL BE MADE. NIESTER EXPRESSED THE VIEW THAT FURTHER TALKS ON CHARTER OPERATIONS BETWEEN ECAC, US, AND CANADA WILL BE NECESSARY TOWARD THE END OF THE YEAR AND THAT THE EVALUATION OF THIS YEAR'S EXPERIENCE WILL GO A LONG WAY TOWARDS BRINGING THE PARTIES EVEN CLOSER TOGETHER THAN HAS BEEN THE CASE IN 1974.

5. EMBASSY HAS REPORTED NIESTER'S REMARKS AT SOME LENGTH TO GIVE THE FLAVOR OF HIS VIEWS. HOWEVER, THE INTERPRETATION OF PARA 2 OF THE APRIL 6 FMT LETTER CONTAINED IN PARA 3 REFTEL IS NOT, RPT NOT CORRECT. CORRECT MEANING, ACCORDING TO NIESTER, IS AS SET FORTH IN PARA 2, REFTEL. CAA THEREFORE MADE DIRECT REFERENCES TO THE MEMORANDUM OF UNDERSTANDING (PARA 5 REFTEL) DRAWING NIESTER'S ATTENTION TO SECTION IV (A), BUT EMBASSY WILL AWAIT DEPT'S FURTHER INSTRUCTIONS BEFORE QUESTIONING DIRECTLY THE FMT'S LIMITED OFFICIAL USE

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DECISION TO STIPULATE CONDITIONS FOR SUBSTITUTIONS AND ADDITIONS WITHOUT CONSULTATION WITH THE US. HILLENBRAND

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